

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**S.R., MINOR CHILD, By and Through
REBECCA PICKINGS (Grandmother) OBO,
ZURI TAMU PICKINGS (Deceased)**

PLAINTIFF

V.

NO. 3:16CV00298-JMV

CAROLYN W. COLVIN
Acting Commissioner of Social Security

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the Court is Plaintiff's motion [18] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [17] dated August 23, 2017, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$5,475.59¹ on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified."

The Acting Commissioner opposes the adjusted, hourly rate sought by Plaintiff on the ground that it is "excessive." However, consistent with the Court's ruling during a hearing held in this matter on October 27, 2017, because the proposed, adjusted, hourly rate reflects a cost of living increase found in the South Urban Consumer Price Index for the years at issue, the Court finds the total amount requested is not unreasonable. The Court further finds that no special circumstance would make the requested award unjust.

¹During a hearing held on the motion on 10/27/17, counsel for Plaintiff clarified that the \$3,650.40 total stated in the motion is a calculation error.

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay to Plaintiff a total of \$5,475.59 in attorney fees for the benefit of counsel for Plaintiff.

This, 30th day of October, 2017.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE